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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,841	10/13/2000	James R. Lavoie	05954.0063-00000	6663

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EXAMINER

ENATSKY, AARON L

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,841

Applicant(s)

LAVOIE ET AL.

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Receipt of Amendment

1. Examiner acknowledges receipt of Applicant's amendment, received 7/1/02.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneier et al. '398. Schneier et al. discloses receiving from a first client terminal (an agent terminal, AT) at which a player will make a purchase request for at least one wager from a central management computer (CMC) (5:56-67 and 6:1-7) and the results will not be revealed on the AT, a player account is debited based on a purchase request or prize winning where it would be inherent that debiting occurs by subtracting purchase amount from an account balance (19:1-21 and 20:40-52), determining an outcome of the purchased wager on the CMC (15:59-67), the outcomes are stored in a database in the CMC (7:39-41), receiving from a second client terminal/HTV a request for the CMC to allow the wager outcome (14:55-60) sent in the form of an authenticatable game authorization message (AGAM) to be revealed. Schneier et al. also discloses that a managing authority can track player related information and store it in a player database (11:51-56), thus it is inherent from this disclosure and the above discussed limitation of player account debiting that during all transactions a player identifier is used and would be received at the first client terminal. In addition Schneier et al. also teaches that communications

between the AT/HTV terminals and the CMC can be accomplished through various types of interactive communication networks (6:26-27 and 6:32-41).

In re claim 2-4 and 13-14, Schneier et al. discloses the above-mentioned limitations and in addition, that a purchase may include a purchase amount of “m” tickets and a denomination value represented through different price points (17:1-9). Likewise, it is inherent through the disclosure that a number of wagers maybe purchased since the gaming system as established, includes a plurality of game and purchase terminals allowing concurrence of multiple separate purchases and game play.

In re claims 5 and 27, Schneier et al. discloses the above-mentioned limitations in addition to a plurality of agent terminals (5:63) that are located on-site at retailers/merchants (6:5-7).

In re claims 11 and 12, Schneier et al. discloses the above-mentioned limitations in addition to a player may communicate messages in response to suitable prompts/menu to purchase wagers/outcomes (10:33-55).

In re claim 19, Schneier et al. teaches that a player can continue game play until player balance is equal to zero (19:16-21 and 20:40-44).

In re claim 20-21 and 24-25, Schneier et al. discloses the above-mentioned AGAM that consists of authentication data including biometric data such as fingerprints (7:48-67).

In re claim 23, Schneier et al. discloses the above-mentioned limitations in addition, it is shown from Fig. 1, a plurality of client terminals are connected to a server and exist for the execution of the gaming system thus described.

In re claim 26, Schneier et al. discloses the above-mentioned limitations in addition to an output device (HTV) in a touch-screen arrangement with player controls to select various game

functions (12:8-14). Also disclosed is an embodiment where the AT and CMC are combined into one unit where game/wager purchases will be made through the HTV. In this arrangement it is inherent that a menu be offered including that which will provide a player with game/wager purchase selections.

Applicant's claims as amended are still met by Schneier '398, therefore the rejection still stands.

Response to Arguments

Applicant has amended claims to include the feature of sending game outcomes during game play. Lacking a more specific definition, game play with respect to Schneier '398, is interpreted as operating the HTV to receive the R=AGAM (Fig. 7). The AGAM contains game outcomes, where the HTV receives the AGAM on-line through communications from the CMC or AT. Therefore, as shown, the amended claims are still met by Schneier '398 in that game outcomes are not sent to a client terminal until game play (Fig 7 and 8). Additionally, Applicant's arguments are primarily directed to the feature of a second client terminal needing to be on-line to play a game and receive outcome. As currently claimed, arguments are not commensurate in scope with that which is claimed. Applicant is merely stating that game outcomes are retrieved only during game play. Furthermore, as currently written, claims do not detail an exact chronology of events. Without a defined chronology, events required in the claims can take place in a variety of orders, such as when certain data is sent to a second client terminal, or when wager results are determined.

Further, in response to arguments directed to Schneier '398 teaching off-line gaming versus on-line gaming, the system taught by Schneier '398 can very well operate in both modes.

First off, Schneier's '389 teaching of off-line gaming still requires connecting on-line to retrieve game outcomes and does not preclude the system from operating continually on-line. Such can be seen from the disclosure of "*for the purpose of this invention, the embodiment is still considered to an "off-line arrangement" as there is no need to have an on-line data connection between the HTV 20 and the CMC 12 while the game are being played*" (22:56-60). Schneier must reiterate this message that the game can still be played off-line, where the teaching of the HTV connecting via a communication network to a central computer to retrieve game outcomes, blurs the line between how the system operates. The nature of the system, the information exchange between computer terminal and server, teaches on-line communication. A component added by Schneier '398 allows the system to operate whereby game outcomes can be essentially cached in memory to allow for a connection break between the computer terminal and server. Schneier '398 does not teach away from an on-line system, but adds functionality by teaching an on-line system that can work in an off-line mode. The system cannot function without the network features and minus the network features, AGAM and ARRM messages would not be sent, thus destroying system operability. Applicant also cites (1:19-25), where a game can be played without ever needed the network connection during network play. This again, only teaches that connection is not needed, not that an on-line connection would hinder game play. Prior to game play a network connection is used, and subsequent to game play a network connection is used. Schneier '398 also details a network connection using a telecommunication network (22:53-54), which is inherently known as an always-on network connection. Therefore, as a game is played and results would be revealed while on-line. In conclusion, the system taught by Schneier '398 does not differ from Applicants invention, with respect to the fact that Schneier

'398 teaches an on-line system, with the added capability to provide play functionality minus a network connection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yacenda '078, discloses an on-line wagering system where a client terminal must be connected to a server and on-line to receive outcome information.

Wiltshire et al. '602, discloses an on-line gaming system where a client terminal has no processing capabilities for the disclosed game, therefore, needs a constant streaming of game/outcome data to provide a player with winning/losing information during game play.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

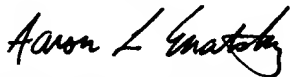
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky



September 12, 2002



JESSICA HARRISON
PRIMARY EXAMINER